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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/944,435	10/06/1997	LAURENCE A. LAVENDEL	36-P143	1436

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NEW YORK, NY 10112

EXAMINER
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LUU, SY D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/944,435

Applicant(s)

LAVENDEL ET AL.

Examiner

Sy D. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 74,75,77-82,84-89,91-96,98-103 and 105-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 74,75,77-82,84-89,91-96,98-103 and 105-108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed April 4, 2005. Claims 74-75, 77-82, 84-89, 91-96, 98-103 and 105-108 are pending in this application. Claims 74, 81, 88, 95 and 102 are independent claims. In the above Amendment, claims 74, 81, 88, 95 and 102 were amended. This action is made Final.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 74-75, 77-82, 84-89, 91-96, 98-103 and 105-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe PhotoDeluxe 2.0 Screenshot (PhotoDeluxe #1), PhotoDeluxe #2, and PhotoDeluxe #3 in view of Moon et al. (Moon, US 6,433,801 B1).

As per independent claim 74, PhotoDeluxe #1 teaches a user interface comprising: a property page (Fig. 2, *"Quality" property page 20*) having at least first and second selection elements displayed within the property page (Fig. 2, *"Brightness/Contrast" button 24* and *"Color Balance" button 26*), each of the at least first and second selection elements corresponding to a same control (*"Quality" control*) and representing a different appearance of control region of the property page (*control regions entitled "Brightness/Contrast" and "Color Balance" at the bottom of the property pages shown in figs. 3 and 4---the control regions are different from each other*), each appearance of the control region corresponding to the same control provided by the property page (*as shown on figs. 3 and 4*); wherein a first appearance of the control region of the property is displayed in response to selection of the first selection element (Fig. 3 depicts an appearance corresponding to the selection of the *"Brightness/Contrast" button 24*), and a second appearance of the control region of the property page is displayed in response to selection of the second selection element (Fig. 4 depicts an appearance corresponding to the selection of the *"Color Balance" button 26*).

PhotoDeluxe #3 continues the teaching of PhotoDeluxe #1 with a displayed portion of the property page including the control region changes appearance (Fig. 2 depicts a control region entitled *"Dust & Scratches"* in a displayed portion of the property page).

PhotoDeluxe #2 further teaches data corresponding to the same control to be input in a different manner in accordance with the different appearances of the control region of the

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property page based on the selection of the first and second selection elements (Figs. 1-4; *selection elements 202 and 204 results in interfaces 302 and 402 having different manner of input shown as buttons 304 and 404a-f which are also different than the sliders or input fields 32 as shown on fig. 3 of PhotoDeluxe #1*).

PhotoDeluxe 2.0 teaches all of the above limitations, but fails to teach the control region and the property page to be an integral part of a same displayed window. Moon teaches a user interface comprising a property page (fig. 4, *property page 116 labeled as "Setup"*) having at least first and second selection elements displayed within the property page (fig. 4, *elements 152 and 154*), each of the at least first and second selection elements corresponding to a same control ("*Setup*" control) and representing a different appearance of control region of the property page each appearance of the control region corresponding to the same control provided by the property page (e.g. *control region for Font as shown in Fig. 4, and an obviously different control region which would be shown if a second selection element 154 is selected; "Setup" would be the same control for both the first and second selection elements*), and the control region and the property page to be an integral part of a same displayed window (fig. 4 shows the property page 116 and the control region below the selection elements 150 to be an integral part of the same window. It would have been obvious to an artisan at the time of the invention to combine Moon's teaching of an integrated window for both the property page and its associated control regions with the user interface of PhotoDeluxe 2.0. The motivation would have been a design and/or preference choice depending on the method of implementation. In this case, the advantage for having an integrated window would be a clear visual layout of a menu selection element and its associated controls without any confusion to users.

As per claim 75, which is dependent on claim 74, PhotoDeluxe #1 teaches said property page to have a control region (*figs. 3 and 4, control region 30*), which comprises at least one control element (*figs. 3 and 4, control elements 32*).

As per claim 77, which is dependent on claim 74, PhotoDeluxe #1 teaches said first and second selection elements to be shown both when the first appearance is provided and when the second appearance is provided (*Figs. 3 and 4, both "Brightness/Contrast" 24 and "Color Balance" 26 buttons are shown in the first and second appearances*).

As per claim 78, which is dependent on claim 75, PhotoDeluxe #1 teaches said control element to comprise at least one element selected from the group of list boxes, text boxes, check boxes, slides, buttons, and editable curves (*Figs. 3 and 4, control elements 32*).

As per claim 79, PhotoDeluxe #1 teaches said property page to provide tone control (*Fig. 3, "Brightness/Contrast" 24 provides Tone control*) for an image acquisition device (*Fig. 1, scanner device selection 10*).

As per claim 80, PhotoDeluxe #1 teaches the user interface being executed in a windowing environment (*Figs 1-4 depict Photo Deluxe to be running in a windows environment*).

Claims 81, 88, 95 and 102 are similar in scope to claim 74, and are therefore rejected under similar rationale.

Claims 82, 89, 96 and 103 are similar in scope to claim 75, and are therefore rejected under similar rationale.

Claims 84, 91, 98 and 105 are similar in scope to claim 77, and are therefore rejected under similar rationale.

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Claims 85, 92, 99 and 106 are similar in scope to claim 78, and are therefore rejected under similar rationale.

Claims 86, 93, 100 and 107 are similar in scope to claim 79, and are therefore rejected under similar rationale.

Claims 87, 94, 101 and 108 are similar in scope to claim 80, and are therefore rejected under similar rationale.

### ***Response to Arguments***

5. Applicant's arguments with respect to independent claims 74, 81, 88, 95 and 102 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquires***

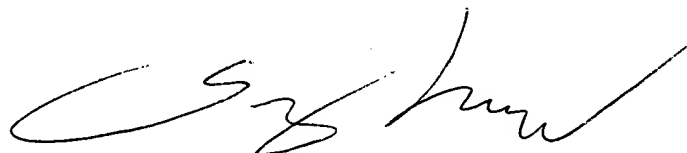
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SY D. LUU  
PRIMARY EXAMINER  
ART UNIT 2174**